

REMARKS

The Examiner rejected claims 1, 2, and 4 under 35 U.S.C. §101 because the claimed invention is directed to nonstatutory subject matter.

The claim amendments herein reflect discussions between the Examiner (James A. Reagan) and Applicants' Representative (Jack P. Friedman) on March 31, 2004 and April 14, 2004. Applicants gratefully acknowledge the value of the Examiner's suggestions and appreciate the time spent by the Examiner to review and discuss the pertinent 35 U.S.C. §101 issues.

The Examiner issued an Interview Summary on April 7, 2004 for the telephonic interview on March 31, 2004 between the Examiner and Applicants' Representative. Applicants' Representative acknowledges that said Interview Summary is accurate. Applicants' Representative notes that the Examiner has reviewed the claim amendments herein and indicated (in the April 14, 2004 telephone conversation) that the Examiner believes that the amendment herein overcomes the 35 U.S.C. §101 rejection.

Note that replacement of "services solution" with --information technology services solution-- addresses the Examiner's concern that the claimed invention must be within the technical arts. The remaining claim amendments address the Examiner's concern that the invention must produce a useful, concrete, and tangible result. In particular, the remaining claim amendments address the Examiner's focus on producing a concrete result such that the outcome of the first assurance review, the second assurance review, the first readiness review, and the deliverable readiness review are predictable and repeatable.

Claim 4 was not amended herein, because claim 4 does not introduce any additional method steps but rather serves as a limitation on the step of performing a first assurance review.

Note that the Board Decision On Appeal stated on page 7, lines 6-8 that "it is not apparent to us how the limitation in dependent claim 4 to the first readiness review step recited in claim 1 can render the seemingly otherwise patentable subject matter of claim 1 non-statutory" Therefore Applicants respectfully submit that if claim 1 as amended herein is statutory under 35 U.S.C. § 101, then claim 4 is also statutory under 35 U.S.C. § 101.

CONCLUSION

Based on the preceding arguments, Applicants respectfully believe that all pending claims and the entire application meet the acceptance criteria for allowance and therefore request favorable action. If the Examiner believes that anything further would be helpful to place the application in better condition for allowance, Applicants invites the Examiner to contact Applicants' representative at the telephone number listed below.

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Jack P. Friedman
Jack P. Friedman
Registration No. 44,688

Schmeiser, Olsen & Watts
3 Lear Jet Lane, Suite 201
Latham, New York 12110
(518) 220-1850

09/439,310

6